

1 The Honorable Robert S. Lasnik  
2  
3  
4  
5  
6  
7  
8

9  
10 UNITED STATES DISTRICT COURT  
11  
12 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

13 CITY OF SEATTLE,

14 Plaintiff,

15 v.

16 MONSANTO COMPANY, et al.,

17 Defendants.

18 No. 2:16-cv-00107-RSL

19 JOINT MOTION TO REVISE  
20 SCHEDULING ORDER

21 Plaintiff, the City of Seattle, and Defendants, Monsanto Company et al. (collectively, the  
22 “Parties”) respectfully submit this joint motion to revise the scheduling order. The Parties are in  
23 agreement that litigation delays stemming from the COVID-19 pandemic and scheduling  
24 conflicts arising from an upcoming trial involving the same counsel in a related matter in state  
25 court in Oregon make necessary a revised schedule for the completion of fact and expert  
26 discovery, as well as the corresponding trial date. The Court last revised the scheduling order,  
based on the Parties’ joint request, on August 3, 2020.

The parties respectfully ask that the Court enter the below scheduling order.

Deadline	Current Schedule	Parties' Proposed Amended Schedule
Parties to complete document production in response to requests for production served as of March 19, 2021; amended pleadings filed	5/14/2021	6/14/2021
Fact witness and Rule 30(b)(6) depositions complete; Written discovery complete		8/12/2021
Reports from expert witnesses under FRCP 26(a)(2) due	6/18/2021	9/16/2021
Rebuttal expert witness reports due <sup>1</sup>		12/16/2021
Expert discovery completed by	9/3/2021	3/30/2022
Settlement conference held no later than	10/1/2021	4/15/2022
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3)). <i>Daubert</i> motions due (see LCR 16(b)(4)).	10/7/2021	4/22/2022
All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	12/2/2021	6/3/2022
Deposition designations due.		6/3/2022
Objections to deposition designations and counter designations due		7/1/2022
Agreed pretrial order due; Pretrial conference to be scheduled by the Court	1/28/2022	7/29/2022
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	2/11/2022	8/12/2022
Objections to trial exhibits due		8/19/2022
Trial Date (parties do not agree on the likely length of trial) Plaintiff's estimate: 3 weeks Defendants' estimate: 8-12 weeks	3/7/2022	9/12/2022 [based on Court's availability]

<sup>1</sup> The parties propose this delay in the otherwise expected exchange of expert reports because the same counsel and law firms representing Plaintiff here, and the same counsel and law firms representing Defendants here, also represent parties in a similar action that is set for trial in Multnomah County, Oregon from October 4 – November 12, 2021.

1 PRESENTED this 20<sup>th</sup> day of April 2021.

2 KELLER ROHRBACK L.L.P.

3 By: s/ Lynn L. Sarko  
4 By: s/ Michael D. Woerner  
5 By: s/ Amy Williams-Derry  
6 By: s/ Daniel P. Mensher  
7 By: s/ Elizabeth A. Leland  
8 By: s/ Alison S. Gaffney  
9 By: s/ Rachel E. Morowitz  
10 By: s/ Adele A. Daniel  
11 Lynn L. Sarko, WSBA 16569  
12 Michael D. Woerner, WSBA #15452  
13 Amy Williams-Derry, WSBA #28711  
14 Daniel P. Mensher, WSBA #47719  
15 Elizabeth A. Leland, WSBA #23433  
16 Allison S. Gaffney, WSBA #45565  
17 Rachel E. Morowitz, WSBA #53371  
18 Adele A. Daniel, WSBA #53315  
19 1201 Third Avenue, Suite 3200  
20 Seattle, WA 98101  
21 Telephone: (206) 623-1900  
22 Fax: (206) 623-3384  
23 Email: lsarko@kellerrohrback.com  
24 Email: mwoerner@kellerrohrback.com  
25 Email: awilliams-derry@kellerrohrback.com  
26 Email: dmensher@kellerrohrback.com  
Email: bleland@kellerrohrback.com  
Email: agaffney@kellerrohrback.com  
Email: rmorowitz@kellerrohrback.com  
Email: adaniel@kellerrohrback.com

OFFICE OF THE CITY ATTORNEY

19 By: s/ Laura B. Wishik  
20 By: s/ Peter S. Holmes  
21 Peter S. Holmes, WSBA #15787  
22 Laura B. Wishik, WSBA #16682  
23 Office of the City Attorney  
701 Fifth Avenue, Suite 2010  
Seattle, WA 98104-7097  
Phone: 206.684.8200  
Email: Laura.Wishik@seattle.gov

24 *Attorneys for Plaintiff City of Seattle*

1 SCHWABE WILLIAMSON & WYATT

2 By: s/Jennifer L. Campbell  
3 Jennifer L. Campbell, WSBA No. 31703  
4 Connie Sue M. Martin, WSBA No. 26525  
5 1420 5th Avenue, Suite 3400  
6 Seattle, WA 98101  
7 Phone: (206) 622-1711  
8 Email: jcampbell@schwabe.com  
9 csmartin@schwabe.com

10 CAPES SOKOL

11 Adam E. Miller, Bar No. 40945  
12 (Admitted Pro Hac Vice)  
13 Lisa N. DeBord, Bar No. 61658  
14 (Admitted Pro Hac Vice)  
15 8182 Maryland Avenue, Fifteenth Floor  
16 St. Louis, MO 63105  
17 Phone: 314.721.7701  
18 Email: miller@capessokol.com  
19 debord@capessokol.com

20 KING & SPALDING LLP

21 Donald F. Zimmer, CSBA No. 34371  
22 (Admitted Pro Hac Vice)  
23 Nicholas D. Kayhan, CSBA No. 129878  
24 (Admitted Pro Hac Vice)  
25 Megan Nishikawa, CSBA No. 271670  
26 (Admitted Pro Hac Vice)  
101 Second Street, Suite 2300  
San Francisco, CA 94105  
Phone: (415) 318-1200  
Email: FZimmer@kslaw.com  
NKayhan@kslaw.com  
MNishikawa@kslaw.com

27 LATHAM & WATKINS LLP

28 Robert M. Howard, CSBA No. 145870  
29 (Admitted Pro Hac Vice)  
30 Kelly E. Richardson, CSBA No. 210511  
31 (Admitted Pro Hac Vice)

12670 High Bluff Drive  
San Diego, California 92130  
Phone: (858) 523-5400  
Emails: robert.howard@lw.com  
kelly.richardson@lw.com  
andrea.hogan@lw.com

## SHOOK HARDY & BACON LLP

Richard Campbell, Bar No. 663934  
(Admitted Pro Hac Vice)  
125 Summer Street, Suite 1220  
Boston, MA 02110  
Phone: (617) 531-1671  
Email: [rcampbell@shb.com](mailto:rcampbell@shb.com)

## SHOOK HARDY & BACON LLP

Thomas M. Goutman, Br No. 60236  
2001 Market Street, Suite 3000  
Philadelphia, PA 19103  
Phone: (215) 575-3136  
Email: [tgoutman@shb.com](mailto:tgoutman@shb.com)

*Attorneys for Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC*

## **[PROPOSED] ORDER**

IT IS SO ORDERED. The Court enters the following scheduling order:

Deadline	Current Schedule	Parties' Proposed Amended Schedule
Parties to complete document production in response to requests for production served as of March 19, 2021; amended pleadings filed	5/14/2021	6/14/2021
Fact witness and Rule 30(b)(6) depositions complete; Written discovery complete		8/12/2021
Reports from expert witnesses under FRCP 26(a)(2) due	6/18/2021	9/16/2021
Rebuttal expert witness reports due		12/16/2021
Expert discovery completed by	9/3/2021	3/30/2022
Settlement conference held no later than	10/1/2021	4/15/2022

JOINT MOTION TO REVISE SCHEDULING  
ORDER (2:16-cv-00107-RSL) - 5

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

Deadline	Current Schedule	Parties' Proposed Amended Schedule
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3)). <i>Daubert</i> motions due (see LCR 16(b)(4)).	10/7/2021	4/22/2022
All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	12/2/2021	6/3/2022
Deposition designations due.		6/3/2022
Objections to deposition designations and counter designations due		7/1/2022
Agreed pretrial order due; Pretrial conference to be scheduled by the Court	1/28/2022	7/29/2022
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	2/11/2022	8/12/2022
Objections to trial exhibits due		8/19/2022
Trial Date (parties do not agree on the likely length of trial)  Plaintiff's estimate: 3 weeks Defendants' estimate: 8-12 weeks	3/7/2022	9/12/2022

DATED: April 21, 2021


Robert S. Lasnik  
United States District Court Judge